

**REMARKS:**

Claims 1-14 are in the case and presented for consideration.

Reconsideration of the subject application in light of the following remarks is respectfully requested.

**SECTION 112 (35 U.S.C. § 112) REJECTION**

The Office has rejected claims 1-14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended the language of “circular and non-circular shape” to “of circular or non-circular shape” in independent claims 1, 6 and 8. Applicant respectfully submits that the amendment overcomes the enablement rejection and requests withdrawal of such rejection.

**SECTION 103 (35 U.S.C. § 103) REJECTIONS**

Claims 1-14 have been rejected under Section 103, 35 U.S.C. § 103(a), based on a combination of several prior art references. In particular, the Office’s bases for rejection are:

1. Claims 1 and 5 are obvious from U.S. Patent No. 5,982,736 to Pierson in view of U.S. Patent No. 5,791,990 to Schroeder;
2. Claims 2, 3, 6, 8-10 and 12-14 are obvious from Pierson in view of Schroeder and U.S. Patent No. 5,992,892 to Schaefer; and
3. Claims 4, 7 and 11 are obvious from Pierson in view of Schroeder and Schaefer and in further view of Japanese Patent No. JP11-238262A to

Otani.<sup>1</sup>

None of the cited references teach or suggest any of the following claimed elements:

- (1) a compact disc having “at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing”;
- (2) “a scratch-off paint coating covering said defined area”;
- (3) basic cover paint on the annular portion; and
- (4) guidance printing.

Since none of the limitations are taught or suggested in any of the references cited by the Office, the claims of the subject application cannot be obvious from any combination of the prior art.

The person of ordinary skill in the art is taught certain things by the cited patent references and may find other things obvious from the prior art taken as a whole. But, the prior art as a whole contains no suggestion for modifying the primary reference Pierson in a way that would reach the claimed invention. Thus, the claimed invention cannot be said to be obvious to the person having ordinary skill in the art and thus defeat patentability under 35 U.S.C. § 103.

**A. Introduction**

The present invention is a compact disc (CD) having a hidden printing covered by a scratch-off, removable paint on the top side. The top side is the one opposite the side of the reflective layer and the recording layer. The top side of the CD does not carry any

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<sup>1</sup>Attachment A hereto summarizes the Office’s conclusions with respect to the pending independent claims 1, 6 and 8 *vis’ a’ vis’* the cited prior art.

laser readable data, but commonly has a protective layer backing the reflective layer. The CD can be circular like conventional disks, or it may have a non-circular shape, such as a rectangle or a Christmas tree, as shown in Figs. 7 and 8 of this application. When the CD is provided with the hidden printing and covered, the CD may be used for advertising and promotion.

**B. Cited Prior Art**

1. U.S. Patent No. 5,982,736 to Pierson

A trading card optical compact disc disclosed by Pierson. Pierson teaches a multi-layer structure comprising a plastic rectangular layer 21 having digital encoded data, a metallic layer 24 having a reflective surface which is formed on at least a portion of the plastic layer, a protective layer 26, preferably of a laquer material formed on the metallic layer, and an indicia bearing layer 28 formed on the protective layer 26. The indicia can comprise a photograph, sketch, text or other images formed by ink. Alternatively, the indicia may be formed on another material, which, in turn, is adhered to the protective layer.

2. U.S. Patent No. 5,791,990 to Schroeder et al.

A secure lottery system combining a paper ticket with a computer program stored on a media, such as a floppy disk or CD-ROM, is taught by Schroeder '990. The Schroeder '990 system involves loading a computer program from the media and running the program. An activation code is entered into the program, and a game is played. Following playing the game, a redemption code is generated for the user and may be used to modify the ticket in some embodiments.

The activation code can be provided on either the paper ticket or the media, see,

col. 3, lines 25-26; col. 5, lines 53-55. While discussing the features of the tickets, Schroeder '990 states that often the activation code on the ticket is covered by a scratch-off coating, similar to known lottery tickets. See, col. 5, lines 56-57. It is further stated that the activation code may be provided in a form other than printing on either the ticket or the media. See col. 5, lines 58-60. Notably, the specification of Schroeder '990 makes a distinction between the ticket alone and the ticket and media when discussing printing the activation code on a ticket and covering it with a scratch-off coating.

The several examples of tickets used with the lottery game provided in Schroeder '990 do not include any mention or suggestion that the scratch-off coatings applied to the paper tickets described could be used on the media. In each instance where a scratch-off coating is discussed, the specification carefully indicates the coating is applied to a paper ticket, not the media. See, col. 6, lines 40-42; col. 7, lines 25-29, 54-60; col. 8, lines 4-13, 20-25.

The distinction is made clear by the purposeful recitation of the ticket and media together when describing other features of the invention therein. For example, after describing covering the activation code on a ticket with a scratch-off coating, it is stated: "The activation code need not be so covered, however, and may be provided by means other than printing on the ticket or magnetic media." Col. 5, lines 58-60.

Schroeder '990 states that when the media contains the activation code, that it can be in a non-printed form, such as a machine readable code. See, col. 6, lines 52-54; col. 7, lines 17-20. Thus, Schroeder '990 has provided a secure method of placing the activation code on the media, in conformance with the purposes of the invention.

A thorough reading of Schroeder '990 reveals that applying a scratch-off coating to

a floppy disk or CD media is not even contemplated by the disclosure therein.

3. U.S. Patent No. 5,992,892 to Schaefer

A metal can having a promotional game in the form of winning status indicia concealed by an opaque scratch-off material is disclosed by Schaefer. The indicia is applied on the metal can by the inkjet printing. A clear varnish layer may be applied between the indicia and the scratch-off material. Schaefer also teaches that printed graphics may be applied over the scratch-off layer on a metal can to provide instructions or decoration for the game.

4. Japanese Patent No. JP 11238262 to Otani et al.<sup>2</sup>

Otani discloses a method for manufacturing an optical disk by pasting together a disk substrate with a recording layer and a transparent disk substrate through an inner adhesive sheet sandwiched therebetween. The adhesive sheet is pre-printed with pictures which are visible through the transparent layer.

**C. Discussion**

**1. Claims 1 and 5**

Claims 1 and 5 have been rejected pursuant to 35 U.S.C. § 103 as obvious by the disclosure of Pierson in view of Schroeder.

Claim 1 is independent, while claim 5 depends from claim 1. Claim 1 recites, a CD having, among other limitations, "at least one defined area ... containing a hidden printing," "a basic cover paint applied to said annular portion" and "a scratch-off paint coating

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<sup>2</sup> The English translation of Otani states: "This document has been translated by computer. So the translation may not reflect the original precisely." Thus, it is possible that the English translation is not accurate. Applicant respectfully submits that the Office should not provide any weight to Otani on this ground, alone.

covering said defined area.” Claim 5 adds the further limitation that the scratch-off paint surface includes guidance printing. That is, the claims recite a CD having some printing on the CD which is covered by a removable, scratch-off paint, so that the printing can be exposed by removing the paint.

**(a) “Defined Area ... Situated in the Annular Portion or Recording Portion Containing a Hidden Printing”**

The Office acknowledges that “Pierson does not disclose” at least one defined area with a border and central portion situated in the annular recording portion containing a hidden printing”. Official Action, p. 3.

However, the Office concludes that it would have been obvious to “supply Schroeder’s scratch-off printing into Pierson’s disc for reducing the possibility of fraud.” *Id.* at p. 4.

Applicant respectfully submits that a person of ordinary skill in the art would never even consider combining Pierson with Schroeder.

The cited references are directed to different technologies in vastly different fields for solving different problems.

Pierson is directed to a novelty trading and (i.e., baseball card) which stores and communicates data (i.e., player’s statistics) to a user of a disc reader.

Schroeder is directed to a lottery gaming system which uses tickets and associated computer software. Schroeder seeks to solve the problems of tampering which exists with prior lottery systems. Col. 3, Ins. 9-21. Schroeder states: “It is an object of the present

invention to provide a system in which redemption of a winning ticket depends, at least in part, on prior modification of the ticket to reflect the code supplied by the computer program.”

A trading card is different from a lottery ticket for obvious reasons.

There is absolutely no teaching in Pierson of hiding or concealing any of the information which is printed on the trading card CD to protect it from tampering.

The Office surmises that one of ordinary skill would apply Schroeder’s scratch-off printing into Pierson “for reducing the possibility of fraud.” The Office does not explain the type of “fraud” which one of ordinary skill tries to avoid in combining the references.

Pierson does not even remotely suggest that any of the indicia in the fourth outer layer is sensitive information (such as a lottery ticket code in Schroeder) which warrants concealment. A baseball player’s batting average, which is the type of data on a trading card, is hardly sensitive information (such as a lottery ticket code) which must be protected by the possibility of fraud. The type and sensitivity of information which Schroeder seeks to conceal by its scratch-off coating are simply not present in Pierson.

Further, Schroeder teaches scratching-off a coating on a lottery ticket to reveal the hidden code. Col. 4, lns. 15-26. The hidden code is not located on the annular or recording position of a CD, as claimed by claims 1 and 5. If the hidden code matches the redemption code provided by the computer software, the user is a winner.

Pierson’s trading card is not used for playing a lottery game. Pierson does not suggest or teach that its indicia must match a code or other information stored in another

medium to determine if the user is a winner of a game.

It is well-accepted law that hindsight may not be applied when combining references, and that the references themselves must teach or suggest the combination. As has been stated by the predecessor court to the Court of Appeals for the Federal Circuit:

When a person, having the references before him and not being cognizant of applicant's disclosure, would not be informed that a problem (solved by applicant's claimed invention) ever existed, such references (which never recognized the problem) could not have suggested its solution. The references were thus improperly combined since there is no suggestion in either of them that they can be combined to produce the result obtained by the claimed invention.

*In re Shaffer*, 229 F.2d 476, 108 USPQ 326, 329 (CCPA 1956).

Here, neither Pierson nor Schroeder solves any problem which would require application of a scratch-off coating to a CD. Pierson is simply for a trading card compact disk which provides trading card information. Pierson lacks any suggestion or teaching that a scratch-off coating should be applied to a CD. Thus, any teaching or suggestion to do so must be found in Schroeder, if at all. The purpose of Schroeder, however, is to make a lottery game secure, by making codes unreadable by humans until a certain time. Schroeder discloses simplifying the system by printing or otherwise providing codes directly on the media, thereby eliminating a paper ticket. But, when the codes are printed on the media, Schroeder has also provided security methods other than coating the printing with a scratch-off coating, likely because removing the coating can create a mess of shavings, compared to simply providing a machine-readable code or electric code. Thus, Schroeder



has not identified a problem whereby a scratch-off coating needs to be applied to a media, nor has Schroeder taught or suggested doing so.

**(b) “Basic Cover Paint Applied to Said Annular Portion”**

Pierson does not disclose “a basic cover paint applied to said annular portion of a CD.” The Office refers to the following excerpt in Pierson as disclosure of the foregoing claim element.

“A fourth indicia bearing layer 28 is preferably formed on the third layer 26 and has generally planar upper surface for displaying indicia 29 therefrom (see also indicia 29” of FIG. 6).”

The Office takes the position that the indicia (29) of Pierson constitutes the claimed “basic cover paint.” See Office Action, p. 3. The Office also refers to the stacking ring 37 of Pierson as the claimed annular position of the CD. *Id.*

Pierson does not teach or disclose that the indicia or indicia bearing layer is “basic cover paint.”

In contrast, as taught by Pierson, the indicia constitutes “a photograph, sketch, textual information, or other images formed by ink or other material formed or positioned by another material, e.g., paper or plastic, formed on or adhered to the lacquer layer”. Col. 6, lines 19-24.

Further, claim 1 requires that the basic cover paint be applied on the annular portion of the disc.

However, the indicia of Pierson (which the Office concludes is the claimed “basic

cover paint”) is not applied on the stacking ring<sup>37</sup> of Pierson. Rather, the indicia is applied to the opposite side of the Pierson trading card as clearly evident from, Fig. 4 of Pierson.

### **(C) Scratch-off Paint Coating**

Neither Pierson nor Schroeder teach applying a scratch-off coating to a CD. The Office acknowledges that Pierson does not disclose scratch-off paint coatings. Office Action, p. 4.

Pierson does not include any teaching or suggestion that it is beneficial to cover any of the indica with a scratch-off paint coating.

In fact, Pierson teaches against covering the indicia of its trading card. Pierson teaches that, over time, “the value of trading cards which have printed indicia has increased”. Col. 1, Ins 11-19. The specification of Pierson states: “A fourth indicia bearing layer 28 is preferably formed on the third layer 26 and has a generally planar upper surface for displaying indicia 29 therefrom.” Col. 6, Ins. 20-22. Covering the photographs, sketches or other indicia of Pierson would logically conflict with one of the purposes of a trading card, which is, to display the person or subject matter of the card.

Moreover, one of the objects of Pierson is to provide a CD which is “relatively inexpensive to manufacture”. Col. 2, Ins 13-15. Covering the indicia of the Pierson trading card with a scratch-off coating would add another step to manufacturing the card which will reasonably likely increase manufacturing expenses.

While Schroeder describes a secure lottery or game system using a ticket having

scratch-off surfaces in combination with separate, distinct CD or magnetic media carrying a computer program, there is no teaching or suggestion to apply a scratch-off coating to a CD. The specification of Schroeder is careful to distinguish between paper tickets and the media when discussing use of scratch-off surfaces. Applicant repeats below, in verbatim, each of the references to “scratch” or “scratch-off” in Schroeder. Each reference pertains to the use of scratch-off coating on tickets.

“To play the game presented on such a ticket, a player removes (“scratches off”) the latex covering to reveal the hidden symbols.”

“The Brawner, et al. patent, by contrast, discusses masking the boundaries of the scratch-off covering on a ticket to make them more difficult to locate and thereby inhibit improper removal of the covering.”

“Such ticket may be structured so as to incorporate mechanisms for reducing the possibility of tampering and, in certain versions of the invention, includes an opaque, removable (“scratch-off”) coating.”

“In some embodiments of the invention, the player must remove the scratch-off coating on the ticket to reveal the activation code.”

“Such recordation may occur through writing the redemption code in an appropriate space on the ticket, removing selected portions of a scratch-off coating present on the ticket, or in any other suitable manner.”

“Alternatively, if the game itself does not inform the player that winnings are forthcoming at the time it supplies the redemption code, such information can be provided if correct portions of the scratch-off coating on the ticket are removed.”

“For example, various codes could be printed on the ticket, one of which matches the redemption code provided by the game

and each of which has a scratch-off area associated with it. In this example removing the scratch-off coating in the area associated with the redemption code could reveal a message (e.g. "You've won \$10!") informing the player of the winnings. If part of a probability game, the ticket could be void if the scratch-off coating is removed in more than one area."

"Often the activation code is covered by an opaque removable (scratch-off) material, making it similar to the hidden play indicia or symbols of conventional lottery tickets."

"After obtaining access to the activation code--as by removing the scratch-off coating of a ticket to reveal it per block 20 of FIG. 1 . . ."

Alternatively, the player may remove portions of a scratch-off coating present on the ticket selected as a function of the symbols comprising the redemption code.

"After scratch-off covering 240 is removed to reveal redemption code 230, it (together with either or both of set 170 and bar code 180) may be used to determine whether ticket 15 is a "winner.""

"If so, the player may deliver ticket 15 to a suitable redemption location, where the entity redeeming the ticket 15 removes scratch-off covering 240 to confirm its winning nature."

"Illustrated in FIG. 5A is a version (again exemplary) of ticket 15 in which scratch-off coverings 250A-I are included."

The specification of Schroeder never states or suggests that the scratch-off coating can be used on media. When Schroeder states that an activation code could be included on the media, alternatives for protecting the activation code other than using a scratch-off coating are provided. Schroeder indicates that the activation code can be a machine-readable code when printed on the media, or an electronic form code that is read by a

computer. Col. 6, Ins. 10-15.

Schroeder is completely lacking any teaching or suggestion to apply a scratch-off coating to a CD. Schroeder has solved its own problem by applying the coating over the human-readable code on a paper ticket and provided other solutions when the code is printed on the media.

In view of lack of suggestion or teaching that a scratch-off coating should be applied to a CD by either of the cited references, applicant submits that the claimed invention of claims 1 and 5 is patentable.

The Office states that Schroeder et al. shows a scratch-off coating to be used for compact discs. The Office refers to Fig. 5 and column 7, line 58. The Office's position is unsupported by the plain language of the specification. Column 7, line 58 **does not** state that a scratch-off paint coating is used for compact discs. Schroeder only states in col. 7, line 58, that a player remove a covering 220 on a ticket to reveal an activation code. Further, Fig. 5 is a figure of a ticket. Col. 5, Ins 21-14.

**(d) “Guidance Printing” (Claim 5)**

The Office Action (at p. 4) states:

“Schroeder et al shows the scratch-off paint coating in Fig. 5 bears activation code, which guides user for activating computer, which is guidance printing.”

The specification of the subject application explains that the guidance printing “contain[s] data related to the information of the hidden printing”. ¶ 27. Thus, the guidance printing is visible and positioned on the scratch-off paint. In contrast, the activation code

of Schroeder is beneath the scratch-off paint on the lottery ticket.<sup>3</sup>

Claim 5 depends from claim 1 and is also patentable for the same reasons as claim 1.

**2. Claims 2, 3, 6, 8-10, 12-14**

Independent claims 6 and 8 recite many of the same elements and limitations as claim 1, namely: (1) a compact disc having “at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing”; (2) “a basic cover paint applied to said annular portion”; (3) “a scratch-off paint coating” applied to the defined area (claim 8) or an “interlayer coating” (Claim 6).

Thus, for the same reasons stated above for claim 1, independent claims 6 and 8 are patentable.

Thus, it follows that dependent claims 2, 3 and 4 (which depend on claim 1), 7 (which depends on claim 6) and 9-14 (which depend on claim 8) are also patentable.

Nevertheless, applicant shows below why the claimed inventions of claims 2, 3, 6, 8-10, 12-14 are patentable for other reasons.

**(a) “Translucent Layer”**

Claims 6 and 2 recite a translucent interlayer coating in the defined area. None of the cited references teach or suggest “a translucent interlayer coating for protecting the hidden printing when applying and removing the scratch-off paint,” as claimed in claim 2.

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<sup>3</sup>For the same reasons, claim 12 of the subject application, which recites guidance printing on the scratch-off coating, is patentable.

The Office acknowledges that “Schroeder does not show the detailed layer of the scratch-off layer”. Office Action, p. 4.

However, the Office also states:

“Schaefer et al shows scratch-off printing in Fig. 5, wherein the defined area printing (the “Game Play Data”) is separated from the scratch-off paint (“Scratch Off Coating”) by a translucent interlayer (“clear varnish Release Layer”) (Claim 2), and which has a translucent interlayer coating (clear varnish release layer) covering the defined area; and a scratch-off paint coating applied to the interlayer coating (Claim 6). Since Schroeder et al does not show the way of making the scratch-off structure. Schaefer shows how to workable structure for the scratch-off element. One of ordinary skill in the art would have been motivated to apply Schaefer et al’s structure in to Schroeder et al’s device for making it workable.”

The “clear varnish release layer” of Schaefer is not the same as and does not make obvious the translucent interlayer of the claimed invention. The clear varnish layer of Schaefer enables easy removal of the scratch-off paint. It is removed together with the scratch-off part to reveal the hidden printing (hence the name “release”).

Further, Schaefer is directed to a totally different field than Schroeder and solves different problems. In fact, Schaefer teaches against any combination with Schroeder by discussing the disadvantages of using scratch-off coatings on printed matter, such as lottery tickets. The specification of Schaefer states:

“Due to the opaque quality of the aluminum can substrate the formulation’s security requirements are easier to meet with this invention than in applications that are printed on paper or card stock substrates. **The potential benefits of this are reduced cost and greater application latitude.**”

Col. 4, Ins. 20-25 (Emphasis added).

Nor does Schaefer include any teaching to apply a translucent layer on a CD.

A metal can has a wholly different structure, purpose and use than a CD. A metal can is usually a cylindrical shape and includes a storage compartment for holding a liquid.

A CD is a memory device used, for among other things, to record and read stored data.

Schaefer does not disclose a translucent layer as suggested by the Office. Nor does Schaefer teach or suggest “a translucent interlayer coating for protecting the hidden printing when applying and removing the scratch-off paint” (as recited in claim 2).

In short, Schaefer does not teach or suggest a compact disc having a translucent interlayer coating for protecting hidden printing when applying and removing scratch-off paint, as recited in claim 2.

**(b) Overlap by Interlayer**

None of the cited references teach or suggest an interlayer coating for protecting hidden printing that overlaps the border portion of the defined area by at least 2mm, as recited in claims 3 and 10. In fact, none of the references discuss any kind of overlap. The Office’s rejection of claims 3 and 10 does not state any rationale based on a cited references.

**3. Claims 4, 7 and 11**

None of the cited references teach or suggest a compact disc “wherein the thickness of the interlayer coating is in the range from 40 to 58 microns,” as recited in claims 4, 7 and 11. The Office construes the adhesive sheet 41-1 of Otani, having a



thickness of 40-50 micrometers, as the claimed interlayer coating. The adhesive sheet 41-1 is a layer having a colored printed material on it. Adhesive sheet 41-1 is not a translucent layer for protecting hidden printing.

Otani does not teach or suggest a compact disc having "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing." The Office states that Otani teaches a compact disc of circular shape having at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing (ABCDE in Fig. 1). However, Otani discloses a sandwich structure comprising a lower DVD-R disk substrate 11, a middle pressure sensitive adhesive sheet 41-1 having a pre-printed picture (designated ABCDE in the drawings) on its top surface, and an upper transparent disk substrate 12. The pre-printed picture cannot be construed as a hidden printing since the upper disk substrate 12 is transparent and lies completely over the adhesive sheet 41-1. Clearly, since the transparent disc substrate can be seen through, the printing (e.g, ABCDE) is not hidden. The printing is intended to be seen, as shown in Fig. 2B.

Applicant further notes that the coloring on the adhesive, which the Office defines as "a basic cover paint" is the only printing on the adhesive 41-1. In the Abstract, Otani states that "In order to provide the pictures on the sheet 41-1, adhesives are colored by pigments and dyes, for example, or colored adhesives are used." In other words, the picture ABCDE, for example, is colored onto an adhesive sheet 41-1.

There is nothing else on the adhesive 41-1 to cover or hide the picture ABCDE. Since

there is nothing to cover or hide the picture ABCDE, and a transparent disc substrate is affixed to the top of the adhesive sheet containing the picture ABCDE, the picture cannot be hidden. Therefore, the picture ABCDE cannot be construed as a hidden printing.

There is no suggestion or motivation to combine Schroeder with either Otani or Schaefer. Otani teaches a DVD-R which is an optical disc. On the contrary, Schroeder teaches only magnetic medium. At col. 3, lines 23-25, Schroeder '990 discloses "a package containing a magnetic medium (e.g. a floppy or compact disc) and a ticket or card." At column 5, lines 37-38, the patent further states that "magnetic media contemplated by the present invention include so-called 'floppy' and 'compact' discs." Thus, Schroeder has categorized these "compact" discs as magnetic media. Applicant also emphasizes that only the word "compact" is in quotation marks, while the word "discs" is not. Thus, Schroeder is most likely referring to magnetic discs that have a "compact" or small size.

Optical discs have nothing in common with magnetic discs. An optical CD is an optically readable medium with pits or differently reflecting spots on its surface arranged along tracks/grooves readable by a laser beam. Since optical discs are very different from magnetic medium, there is no suggestion or motivation to combine the magnetic media of Schroeder '990 with the optical disc of Otani. Thus, the cited references are not combinable.

Claim 7 depends from claim 6 and is patentable for the same reasons as claim 6. Additionally, as explained above for the claim 3 rejection, none of the cited references

teach or suggest a compact disc having a translucent interlayer coating that overlaps the border portion of the defined area of the compact disc by at least 2mm. Also, none of the cited references teach or suggest a compact disc having a scratch-off paint coating applied to a translucent interlayer coating that is in the range of 40 to 58 microns of thickness.

Independent claim 8 recites a means for protecting the hidden printing when applying and removing the scratch-off paint. None of the cited references teach or suggest a means for protecting the hidden printing when applying and removing the scratch-off paint. Otani discloses a transparent disk that covers an adhesive sheet 41-1 with visible colored printing, but does not disclose a means for protecting any hidden printing.

Claim 8 is also distinguishable from the cited references based on the arguments made above.


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Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

Favorable action is respectfully requested.

Respectfully submitted,

  
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Dated: February 14, 2006

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### **Attachment A**

The following summarizes the *Office's* conclusion with respect to the pending independent claims 1, 6 and 8 vis' a' vis the cited prior art.

Claim 1	Pierson	Schroeder
A disc having a central annular portion and recording portion	Yes, discloses (Fig. 4)	Office does not address
A recording and reflective layer provided on the recording portion of the disc body and covered by a protective coating	Yes, discloses (col. 5, lines 59-61; col. 6, line 10)	Office does not address
A basic cover paint applied to said annular portion	Yes, discloses (col. 6, lines 16-20)	Office does not address
At least one defined area with a border and central portion situated in the annular portion or recording portion containing a hidden printing	No, does not disclose	Yes, discloses (Fig. 5A (240))
A scratch-off paint coating covering said defined area	No, does not disclose	Yes, discloses (Fig. 5; col, 7, line 58)

Claim 6	Pierson	Schroeder	Schaefer
A disc having a central annular portion and recording portion	Yes, discloses (Fig. 4)	Office does not address	Office does not address
A recording and reflective layer provided on the recording portion of the disc body and covered by a protective coating	Yes, discloses (col. 5, lines 59-61; col. 6, line 10)	Office does not address	Office does not address
A basic cover paint applied to said annular portion	Yes, discloses (col. 6, lines 16-20)	Office does not address	Office does not address
At least one defined area with a border and central portion situated in the annular or recording portion above the basic cover paint and containing a hidden printing	No, does not disclose	Yes, discloses	Office does not address
A translucent interlayer coating covering the defined area	No, does not disclose	No, does not disclose	Yes, discloses (claim 2)
A scratch-off paint coating applied to said interlayer coating	No, does not disclose	No, does not disclose	Yes, discloses (claim 6)

Claim 8	Pierson	Schroeder	Schaefer
An optically readable disc body having a central annular portion and a recording portion	Yes, discloses (Fig. 4)	Office does not address	Office does not address
A recording and reflective layer provided on the recording portion of the disc body and covered by a protective coating	Yes, discloses (col. 5, lines 59-61; col. 6, line 10)	Office does not address	Office does not address
A basic cover paint having a basic printing applied to said annular portion	Yes, discloses (col. 6, lines 16-20)	Office does not address	Office does not address
At least one defined area with a border and central portion situated in the annular or recording portion above the basic cover paint and containing a hidden printing	No, does not disclose	Yes, discloses	Office does not address
A scratch-off paint coating covering said defined area	No, does not disclose	Yes, disclose (Fig. 5)	Yes, discloses (claim 2)

A means protecting the hidden printing when applying and removing the scratch-off paint	No, does not disclose	No, does not disclose	Yes, discloses (claim 2)
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